

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

WESTERN District of VIRGINIA

CIVIL Division

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 19 2019

JULIA C. DUDLEY, CLERK
BY: *ASwift*
DEPUTY CLERK

Case No. **7:19CW320**
(to be filled in by the Clerk's Office)

TERRY C. BRADLEY

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

**SGT. L.L. SNIDOW, OFFICER F.M.
MIANO, FREDERICK KELLERMAN, CURTIS S.
SCHWAB JR., RAY W. GRUBBS, ROBERT M.D.
TURK, PATRICK R. JENSEN.**

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	TERRY C. BRADLEY		
Address	3724 SAPPHIRE RD. UNIT 2		
	FAYETTEVILLE	NC	28303
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	CUMBERLAND		
Telephone Number	910-922-2680		
E-Mail Address	TCBRADLEY7@GMAIL.COM		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	SGT. L.L. SNIDOW		
Job or Title (if known)	VIRGINIA TECH. POLICE OFFICER		
Address	330 STERRETT DRIVE		
	BLACKSBURG	VA	24061
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	MONTGOMERY		
Telephone Number			
E-Mail Address (if known)			

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name	F.M. MIANO		
Job or Title (if known)	VIRGINIA TECH. POLICE OFFICER		
Address	330 STERRETT DRIVE		
	BLACKSBURG	VA	24068-0389
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	MONTGOMERY		
Telephone Number			
E-Mail Address (if known)			

☒ Individual capacity ☒ Official capacity

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Defendant No. 3

Name CURTIS S. SCWAB
 Job or Title *(if known)* COMMONWEALTH ATTORNEY
 Address 240 NORTH JEFFERSON AVE

PULASKI	VA	24301
<i>City</i>	<i>State</i>	<i>Zip Code</i>

County

Telephone Number

E-Mail Address *(if known)*
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name RAY W. GRUBBS
 Job or Title *(if known)* JUDGE MONTGOMERY CIRCUIT COURT
 Address P.O.B. 389

CHRISTIANSBURG	VA	24068-0389
<i>City</i>	<i>State</i>	<i>Zip Code</i>

County

Telephone Number

E-Mail Address *(if known)*

PLEASE SEE ADDITIONAL ATTACHED PAGES

☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against *(check all that apply)*:

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

CIVIL RIGHTS: EQUAL PROTECTION UNDER THE LAW, FALSE ARREST, MALICIOUS PROSECUTION, FALSE IMPRISONMENT

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA

TERRY C. BRADLEY;

PLAINTIFF PRO SE

V

CIVIL ACTION #

SGT. L.L. SNIDOW

OFFICER F.M. MIANO

CURTIS S. SCHWAB

RAY W. GRUBBS

FREDERICK M. KELLERMAN

ROBERT M.D. TURK

PATRICK R. JENSEN

THE PARTIES TO THIS COMPLAINT:

DEFENDANT NO 5

NAME **FREDERICK M. KELLERMAN**

ADDRESS **304 ROANOKE ST. CHRISTIANSBURG VA. 24068-0389**

COUNTY **MONTGOMERY**

DEFENDANT NO 6 **ROBERT M.D. TURK**

ADDRESS **55 E. MAIN ST. STE. 419 CHRISTIANSBURG VA. 24073-3027**

DEFENDANT NO 7

PATRICK R. JENSEN

ADDRESS

1 MAIN ST. SUITE 111, CHRISTIANSBURG VA

24073

NO

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

PLEASE SEE ATTACHED STATEMENT OF CLAIM

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

ALL EVENTS OCCURRED WITH THE BOUNDARIES OF MONTGOMERY COUNTY VA.

- B. What date and approximate time did the events giving rise to your claim(s) occur?

VARIOUS DATES; PLEASE SEE ATTACHED ; STATEMENT OF CLAIM

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

PLEASE SEE ATTACHED; STATEMENT OF CLAIM

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

STATEMENT OF CLAIM

IN GENERAL: ALL THE DEFENDANT(S) TO THIS LAWSUIT WERE OR ARE EMPLOYED AS OFFICERS OF THE COURT WHETHER IN THE LAW ENFORCEMENT FIELD OR THE STATE'S JUDICIAL SYSTEM. AND THEREFORE; MANDATED BY APPLICABLE STATE AND FEDERAL LAWS. AS WELL AS THE CONSTITUTION AND AMENDMENTS OF THE UNITED STATES.

STATEMENT OF CLAIM: A. B. C.

DEFENDANT(S) SNIDOW AND MIANO ACTING PERSONALLY AND WITHIN THEIR OFFICIAL CAPACITY ALLEGEDLY OBTAINED A WARRANT FOR THE ARREST OF THE PLAINTIFF, WHICH IN FACT WAS AN ALTERED SUMMONS TO APPEAR. (DATE ON SUMMONS IS OBSCURED) DEFENDANT(S) ALLEGEDLY EXECUTED SAID DOCUMENT UPON THE PLAINTIFF; AS A WARRANT ON 10/26/01.

DEFENDANT CURTIS S. SCHWAB ACTING PERSONALLY AND IN HIS OFFICIAL CAPACITY CHARGED THE DEFENDANT WITH THE COMMISSION OF A CRIME; PURSUANT TO THE ALLEDGED WARRANT. AND COMMENCED JUDICIAL CRIMINAL PROCEEDINGS. 12/19/01

DEFENDANT RAY W. GRUBBS THE PRESIDING JUDGE OF THE CIRCUIT COURT OF MONTGOMERY WITHIN THIE TIMEFRAME; ACTING PERSONALLY AND WITHIN HIS CAPACITY ALLOWED SAID PROCEEDINGS TO GO FORTH. IN DOING SO; DISREGARDING AN ARRAIGNMENT OR PRELIMINARY HEARING. 1/23/2002-3/16/05

DEFENDANT(S) CURTIS S. SCHWAB, AND RAY W. GRUBBS ACTING PERSONALLY AND WITHIN THEIR OFFICIAL CAPACITY; PRESENTED AN ALLEGED PLEA AGREEMENT TO THE PLAINTIFF; SAID AGREEMENT WAS NEVER RATIFIED; BUT PRESENTED AS BINDING UPON THE PLAINTIFF. 3/8/02

DEFENDANT(S) RAY W. GRUBBS AND CURTIS S. SCHWAB ACTING PERSONALLY AND IN THEIR OFFICIAL CAPACITY ALLOWED AN UNRATIFIED PLEA AGREEMENT TO BE ENTERED INTO THE COURT RECORD AS A VALID PLEA AGREEMENT WITH THE PLAINTIFF. THEREBY RESULTING IN AN ALLEGED ADMISSION OF GUILT, AND SUBSEQUENT CONVICTION. 3/8/02

DEFENDANT RAY W. GRUBBS ACTING PERSONALLY AND WITHIN HIS OFFICIAL CAPACITY; SUBSEQUENTLY SENTENCED THE PLAINTIFF PURSUANT AN ALLEGED ARREST WARRANT AND INVALID PLEA AGREEMENT; TO 3YEARS SUSPENDED SENTENCE AND 5 YEARS PROBATION, 100 HOURS COMMUNITY SERVICE, PAYMENT OF ALLEGED RESTITUTION TOTALING \$ 4,304.78, PAYMENT OF ALLEGEDED FINES AND FEES TOTALING \$855.00. 3/8/02, 3/16/05

DEFENDANT FREDERICK M. KELLERMAN ACTING PERSONALLY AND WITHIN HIS OFFICIAL CAPACITY; REPRESENTING THE PLAINTIFF AS LEGAL COUNSEL, KNOWINGLY MISREPRESENTED LEGAL ADVICE TO THE PLAINTIFF. NEVER CONTESTING CLEAR VIOLATIONS OF CRIMINAL PROCEDURE, AND THE NON-EXISTENCE OF A VALID ARREST WARRANT. ACTING IN CONCERT WITH AN INVALID

PROSECUTION. PROVIDING THE PLAINTIFF WITH INADQUATE COUNSEL AND MISREPRESENTATION. 10/26/01-3/16/05

DEFENDANT(S) ROBERT M D TURK AS WELL AS PATRICK R. JENSEN ACTING PERSONALLY AND WITHIN THEIR OFFICIAL CAPACITY; PRESIDED OVER AND DEFENDED AGAINST THE PLAINTIFF'S PETITION TO EXPUNGE THE CONVICTION OF THE PLAINTIFF. THE DEFENDANTS AFTER REVIEWING THE PLEADINGS AND SUBMISSIONS OF THE PLAINTIFF, ALONG WITH THE CASE RECORD, REAFFIRMED THE PLEA AGREEMENT AS VALID; AS WELL THE SUBSEQUENT CONVICTION ON FILE. 12/21/17, 4/5/18

ALL OF THE DEFENDANTS LISTED WITHIN TOOK ACTIONS UNDER COLOR OF LAW. RESULTING IN THE VIOLATION OF THE PLAINTIFF'S CONSTITUTIONAL RIGHTS AND DEPRIVATION OF EQUAL PROTECTION UNDER THE LAW. WHETHER ACTING IN CONCERT OR INDEPENDENTLY.

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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

NO

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

PLAINTIFF REQUESTS A MONETARY AWARD OF SIXTY ONE MILLON DOLLARS
PLAINTIFF REQUESTS AN ORDER GRANTING EXPUNGEMENT AND SEAL OF THE ALLEGED
RECORD OF CONVICTION.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.